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January 15, 2013

BY E-MAIL AND REGULAR MAIL

Sara P. Flanagan, Esq.
Office of Regional Counsel
NJ Superfund Branch
U.S. Environmental Protection Agency
Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866

**Re: Township of Lyndhurst – Passaic River Mile 10.9 Sediment Removal Action
Riverside County Park
CERCLA Docket No. 02-2007-2009
Our File No. 41029.4000**

Dear Sarah:

We represent the Township of Lyndhurst (“Township”). I am writing to summarize the items discussed during the meeting held at our offices today, January 15, 2013 between representatives of USEPA, Region 2, the Cooperating Party Group (“CPG”) and the Township relating to the Passaic River Mile 10.9 Sediment Removal Action (“Removal Action”) off Riverside County Park in Lyndhurst.

The items discussed were the following:

- CPG will provide the Township with a written statement explaining how the Removal Action activities will not cause flooding at the Park and/or the preventive measures that CPG’s engineers and contractors will take to prevent such flooding or other adverse impacts. The Township’s Engineer will review the statement and discuss any questions they have relating to it with the CPG’s technical representatives;
- The CPG will discuss at the next CPG meeting, anticipated to be in early February, a one time “cash out” payment to the Township for the cost for installing the backflow preventers on the storm drain outlets along the Passaic River bank around Riverside County Park. The estimated costs for installation of the backflow

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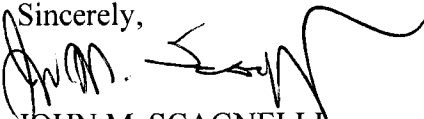
preventers were contained in the September 20, 2012 Proposal from the Township's Engineer, Neglia Engineering, attached to my October 9, 2012 letter to Ray Basso of USEPA Region 2. Neglia Engineering will put together a final Proposal with costs for installation of the backflow preventers which will be provided to the CPG's representatives before the CPG's next meeting;

- The CPG will discuss security arrangements at the Park during the Removal Action activities with the Township's representatives;
- The CPG's representatives stated that the CPG has decided that it will not conduct any Removal Action activities at Riverside County Park, including, but not limited to, activities which were referred to in the CPG's draft November 30, 2012 River Mile 10.9 Removal Action Pre-Final Design Report, Lower Passaic River Study Area ("Design Report") as "construction support" and "shoreside support area." The CPG's representatives advised that the CPG would conduct those activities elsewhere.

To move this along, we request that the CPG's statement relating to Removal Action activities and flooding and Neglia Engineering's final Proposal for the backflow preventers be exchanged within two weeks from the date of this letter, or by January 29, 2013. We understand that CPG approval for the "cash out" payment to the Township for the cost of installing the backflow preventers cannot be obtained until the CPG's next meeting, anticipated to be in early February.

We appreciate everyone's attendance and participation at the meeting.

If anyone has any questions, please contact us.

Sincerely,

JOHN M. SCAGNELLI
For the Firm

cc: Robert B. Giangeruso, Mayor, Township of Lyndhurst
Richard J. DiLascio, Commissioner
Helen Polito, Township Clerk
Brian Intindola, Neglia Engineering
William Hyatt, Esq.
William Potter, Demaximis
Stephanie Vaughn, USEPA Region 2
Sara Flanagan, Esq., USEPA Region 2 Office of Regional Counsel
Gary Cucchiara, Esq., Township Attorney